

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

GRANT MACKLEM,

Defendant and Appellant.

D046806

(Super. Ct. No. SCD177539)

ORDER DENYING PETITION FOR
REHEARING; MODIFICATION OF
OPINION

NO CHANGE IN JUDGMENT

THE COURT:

The petition for rehearing is denied.

The opinion filed on April 10, 2007 is hereby modified as follows:

Page 30, last paragraph, after the words "Detective Birmingham," delete the remainder of the sentence, and add the following language: "the People have demonstrated that the error was harmless, in that the evidence did not contribute to the verdict." The paragraph will read:

Even if we assume the trial court erred in admitting the statements made to Detective Birmingham, the People have demonstrated that the error was harmless, in that the evidence did not contribute to the verdict. (*People v. Johnson, supra*, 6 Cal.4th 1, 32-33.) Those statements were not essential to the proof of either the Doane or the

Sarah offenses, and we next discuss the cross-admissibility issues raised regarding joinder.

There is no change in judgment.

HUFFMAN, Acting P. J.

Copies to: All parties